

805 KAR 4:100. Surface transportation of explosives.

RELATES TO: KRS 351.350, 14 C.F.R. 103.1-103.23, 46 C.F.R. 147.1-148.04-23, 49 C.F.R. 171.1-179.500-18, 390.1-397.225

STATUTORY AUTHORITY: KRS 351.335

NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.335 requires the Department for Natural Resources to promulgate rules and administrative regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of these explosives, which have a direct bearing on safety to life and property. This administrative regulation establishes the requirements for transporting explosive materials in a vehicle and establishes standards for vehicle construction, methods of loading explosives as cargo, and the warning signs and fire extinguishers required for the vehicle.

Section 1. (1) Transportation of explosives, blasting agents, and blasting supplies, shall be in accordance with the provisions of Department of Transportation regulations contained in 14 CFR 103.1 to 103.23, Air Transportation; 46 CFR 147.1 to 148.04-23, Water Carriers; 49 CFR 171.1 to 179.500-18, Highways and Railways; and 49 CFR 390.1 to 397.225, Motor Carriers.

(2) Motor vehicles or conveyances transporting explosives shall only be driven by, and be in the charge of, a licensed driver who is physically fit, as defined in 49 CFR 391.41, subpart E. He shall be familiar with the local, state, and federal regulations governing the transportation of explosives.

(3) A person shall not smoke, carry matches or any other flame-producing device, or carry firearms or loaded cartridges while in or near a motor vehicle or conveyance transporting explosives, blasting agents, and blasting supplies.

(4) Explosives or blasting agents shall not be transported with other materials or cargoes in the same compartment. Flammable material shall not be carried on the same vehicle as explosives.

(5) Explosives or blasting agents shall be transported in separate vehicles from detonators unless:

(a) The detonators are placed in a type 2 or type 3 magazine secured within the body of the truck;

(b) The detonators and explosives are separated by four (4) inches of hardwood, and the detonators are totally enclosed or confined by the hardwood construction; or

(c) The detonators are placed in suitable containers or compartments constructed in accordance with the Institute of Makers of Explosives Safety Library Publication No. 22.

(6) Vehicles used for transporting explosives shall not exceed their cargo-carrying capacity, and shall be in good mechanical condition.

(7) If high explosives or detonators are transported by a vehicle with an open body, a Class II magazine or original manufacturer's container shall be securely mounted within the bed to contain the cargo. Containers of explosives or detonators shall not be stacked higher than the sides or the tailgate of the vehicle. Blasting agents shall be loaded in a stable manner so that they cannot fall from the vehicle.

(8) All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood, or other nonsparking material, to prevent contact with containers of explosives.

(9) Every motor vehicle or conveyance used for transporting any quantity of explosive materials on public highways shall display all placards required by the U.S. Department of Transportation. Vehicles transporting high explosives in areas off highways shall be marked or placarded on both sides, front and rear, with either the word "explosives" in red letters not less than four (4) inches in height, on white background, or the appropriate U.S. Department of Transportation placards described in 49 CFR 172.504.

(10) Every vehicle or conveyance transporting blasting agents in areas other than public highways

shall be placarded on front, back, and both sides with the words "Blasting Agent" or the appropriate U.S. Department of Transportation placards described in 49 CFR 172.519 through 172.560.

(11) Each motor vehicle used for transporting explosive materials shall be equipped with at least two (2) fire extinguishers in good condition, each with a rating of at least 4A:40BC. The driver shall be trained in the use of the extinguishers on his vehicle.

(12) Fire extinguishers shall be designed and maintained to allow a visual determination that they are fully charged, and shall be located on or in the vehicle in a manner so that they are accessible for immediate use.

(13) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies shall not be taken inside a garage or shop for repairs or servicing.

(14) A motor vehicle transporting explosives shall not be left unattended.

Section 2. Incorporation by Reference. (1) The "Institute of Makers of Explosives Safety Library Publication No. 22, Recommendations for the Safe Transportation of Detonators in a Vehicle with Certain Other Explosive Materials", revised May, 1993 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Natural Resources, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (2 Ky.R. 613; 3 Ky.R. 321; eff. 9-1-1976; 4 Ky.R. 305; eff. 5-3-1978; 10 Ky.R. 313; eff. 9-7-1983; 17 Ky.R. 3272; 18 Ky.R. 49; eff. 6-26-1990; 29 Ky.R. 185; 712; eff. 9-16-2002; TAm eff. 8-9-2007; TAm eff. 7-6-2016; Crt eff. 6-27-2018.)